

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:  
BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,

Defendants.

SIPA LIQUIDATION

No. 08-01789 (BRL)

(Substantively Consolidated)

Adv. Pro. No. 09-01182 (SMB)

Civil Case No. 15-cv-6269 (LTS)

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**NOTICE OF WITHDRAWAL OF TRUSTEE'S MOTION  
TO WITHDRAW THE REFERENCE**

Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the estate of Bernard L. Madoff ("Madoff") (collectively, "Debtor"), hereby withdraws his motion (the "Motion") to withdraw the reference to the Bankruptcy Court under 28 U.S.C. § 157(d), Federal Rule of Bankruptcy Procedure 5011(a), and Local Bankruptcy Rule 5011-1 in the above-captioned proceeding (the "Merkin Action"). ECF Nos. 1, 2.

The parties to the Merkin Action: (a) consented to the entry of final orders and judgments by the Bankruptcy Court on all claims in this adversary proceeding; (b) waived their right to a jury trial; and (c) agreed to a bench trial before the Bankruptcy Court on all claims in this

proceeding. See Stipulation and Order, *Picard v. Merkin*, Adv. Pro. No. 09-1182 (SMB) (Bankr. S.D.N.Y. September 2, 2015), ECF No. 278. Accordingly, the Trustee withdraws his Motion.

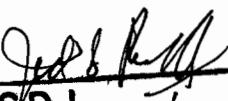
Dated: New York, New York  
September 3, 2015

Respectfully submitted,

By: /s/ David J. Sheehan  
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*Attorneys for Irving H. Picard,  
Trustee for the Substantively Consolidated  
SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate of  
Bernard L. Madoff*

**SO ORDERED:**

  
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U.S.D.J.  
8/28/18